

EXHIBIT 7

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

- - -

IN RE: NATIONAL	:HON. DAN A. POLSTER
PRESCRIPTION OPIATE	:
LITIGATION	:MDL NO. 2804
	:
APPLIES TO ALL CASES	:NO.
	:1:17-MD-2804

- HIGHLY CONFIDENTIAL -

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- - -

December 14, 2018

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Videotaped sworn deposition of
COLLEEN MCGINN, taken pursuant to
notice, was held at GOLKOW LITIGATION
SERVICES, One Liberty Place, 1650 Market
Street, Philadelphia, Pennsylvania,
beginning at 9:39 a.m., on the above
date, before Margaret M. Reihl, a
Registered Professional Reporter,
Certified Shorthand Reporter, Certified
Realtime Reporter, and Notary Public.

- - -

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<p>1 (Document marked for 2 identification as McGinn Deposition 3 Exhibit No. 9.) 4 BY MR. CARTMELL: 5 Q. I'm handing you two copies of 6 Exhibit 9, one for you and one for your counsel. 7 This is produced from Teva's files in this 8 litigation, and I will represent to you that 9 this was information that came from your file. 10 You'll see from the e-mail on the 11 first page of this document, there's an e-mail 12 from LeighAnn Tulleson dated June 15, 2012 to 13 you and many others, and the subject is "DEA 14 Suspicious Order Monitoring Program." 15 Do you see that? 16 A. Yes. 17 Q. It states, "we have scheduled a 18 meeting to discuss the DEA suspicious order 19 monitoring program and its impact to Teva and 20 our customers." 21 It states, "This launch meeting 22 is critical to the overall understanding of the 23 issues and will require each of the parties 24 listed on this memo to attend."</p>	<p>1 But I want to go through this, 2 and this is a letter, I take it, that you had 3 seen prior to 2012; is that right? 4 A. It's hard to see where -- I 5 assume that I had. 6 Q. Well, am I right that there are a 7 series of letters that were sent to 8 manufacturers and distributors of 9 opioid-containing products from a man named 10 Joseph Rannizzisi? 11 A. Yes. 12 Q. Okay. And I know that you are 13 familiar with Mr. Rannizzisi, correct? 14 A. Yes. 15 Q. You have had dealings with him, 16 pretty extensive dealings with him in the past; 17 is that fair? 18 A. Not personally. I may have 19 talked to him once or twice. 20 Q. At any rate, these letters, the 21 series of letters that are attached, and I think 22 there's three, are commonly known as the 23 Rannizzisi letters, correct? 24 A. I had not called them that. I</p>
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<p>1 You see that? 2 A. Yes. 3 Q. Okay. So it looks like as of 4 June of 2012, which is not long after you 5 started at Teva, is that fair, within a year? 6 A. Yes. 7 Q. There was going to be a launch 8 meeting to discuss the suspicious order 9 monitoring program? 10 A. That's what it looks like. 11 Q. Okay. Attached to this e-mail 12 that you received is a series of letters from 13 the U.S. Department of Justice Drug Enforcement 14 Administration; is that right? 15 A. Yes. 16 Q. And I want to talk to you 17 specifically about the one that is actually a 18 crummy copy, but it's dated February 7, 2007. 19 Do you see that? 20 A. That's a bad copy for sure. 21 Q. Well, we got this from the files, 22 and, unfortunately, we were looking for a better 23 copy, but we couldn't find one, so we'll have to 24 make our way through this, if you don't mind.</p>	<p>1 had not heard that. 2 Q. What do you call them? 3 A. Distributor letters. 4 Q. Okay. And I take it that you 5 were familiar with these letters even back at 6 Cephalon, before you started at Teva? 7 A. Yes. 8 Q. Okay. And let's go through this 9 February 7, 2007 letter, you see the date, and 10 you can see that this is a letter from the Drug 11 Enforcement Administration out of Washington, 12 DC. 13 It states, Dear Sir or Madam, 14 this letter is being sent to every commercial 15 entity in the United States registered with the 16 Drug Enforcement Administration to distribute 17 controlled substances. The purpose of this 18 letter is to reiterate the responsibilities of 19 controlled substance distributors in view of the 20 prescription drug abuse problem in our -- our 21 nation currently faces. 22 Do you see that? 23 A. Yes. 24 Q. Okay. So would you agree with me</p>

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<p style="text-align: right;">Page 114</p> <p>1 that that was the purpose of these letters was</p> <p>2 to put or to reiterate to manufacturers of</p> <p>3 opioid drugs and other controlled substances and</p> <p>4 distributors of these drugs of their</p> <p>5 responsibilities related to the law that applies</p> <p>6 to manufacturing and selling controlled</p> <p>7 substances?</p> <p>8 MR. ANDRISANI: Objection, form.</p> <p>9 THE WITNESS: Yes.</p> <p>10 BY MR. CARTMELL:</p> <p>11 Q. And it looks like the DEA was</p> <p>12 reiterating the law that applied to</p> <p>13 manufacturers and distributors of opioids at</p> <p>14 this time because there was an emerging</p> <p>15 controlled substance prescription drug problem,</p> <p>16 correct?</p> <p>17 MR. ANDRISANI: Object to the</p> <p>18 form.</p> <p>19 THE WITNESS: I assume that's</p> <p>20 why.</p> <p>21 BY MR. CARTMELL:</p> <p>22 Q. And this was back in 2007, right?</p> <p>23 A. Yes.</p> <p>24 Q. It states, "Background, as each</p>	<p style="text-align: right;">Page 116</p> <p>1 manufacture of controlled substances?</p> <p>2 A. Yes.</p> <p>3 MR. ANDRISANI: Objection, form.</p> <p>4 BY MR. CARTMELL:</p> <p>5 Q. Including opioid-containing</p> <p>6 products?</p> <p>7 MR. ANDRISANI: Objection, form.</p> <p>8 THE WITNESS: Yes.</p> <p>9 BY MR. CARTMELL:</p> <p>10 Q. The Controlled Substances Act was</p> <p>11 designed by Congress to combat diversion by</p> <p>12 providing for a closed system of drug</p> <p>13 distribution.</p> <p>14 What does it mean to be a closed</p> <p>15 system?</p> <p>16 A. The way it's been --</p> <p>17 MR. ANDRISANI: Object to form.</p> <p>18 THE WITNESS: -- described to us</p> <p>19 is that controlled substances would only</p> <p>20 be shipped to DEA registrants.</p> <p>21 BY MR. CARTMELL:</p> <p>22 Q. And then it says further down,</p> <p>23 "If the closed system is to function properly as</p> <p>24 Congress envisioned, distributors must be</p>
<p style="text-align: right;">Page 115</p> <p>1 of you is undoubtedly aware, the abuse</p> <p>2 (nonmedical use) of controlled prescription</p> <p>3 drugs is a serious and growing health problem in</p> <p>4 this country. DEA has an obligation to combat</p> <p>5 this problem, as one of the agency's core</p> <p>6 functions is to prevent the diversion of</p> <p>7 controlled substances into illicit channels."</p> <p>8 Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. What does that mean, "illicit</p> <p>11 channels"?</p> <p>12 MR. ANDRISANI: Objection to form.</p> <p>13 THE WITNESS: I'm going to assume</p> <p>14 that he means that it ends up anywhere</p> <p>15 than where it was intended to go.</p> <p>16 BY MR. CARTMELL:</p> <p>17 Q. Okay. "Congress assigned DEA to</p> <p>18 carry out this function through enforcement of</p> <p>19 the Controlled Substances Act and DEA</p> <p>20 regulations that implement the Act."</p> <p>21 So does that mean that actually</p> <p>22 the Drug Enforcement Administration is the</p> <p>23 agency that Congress has given the power to</p> <p>24 enforce the law related to the sale and</p>	<p style="text-align: right;">Page 117</p> <p>1 vigilant in deciding whether a prospective</p> <p>2 customer can be trusted to deliver controlled</p> <p>3 substances only for lawful purposes. This</p> <p>4 responsibility is critical, as Congress has</p> <p>5 expressly declared that the illegal distribution</p> <p>6 of controlled substances has a substantial and</p> <p>7 detrimental effect on the health and general</p> <p>8 welfare of the American people."</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. And do you agree with that?</p> <p>12 MR. ANDRISANI: Objection to</p> <p>13 form.</p> <p>14 THE WITNESS: Yes.</p> <p>15 BY MR. CARTMELL:</p> <p>16 Q. Now, it then talks about actually</p> <p>17 the law that manufacturers and distributors are</p> <p>18 bound by related to the sale and manufacture of</p> <p>19 controlled substances, correct?</p> <p>20 MR. ANDRISANI: Objection, form.</p> <p>21 THE WITNESS: I'm sorry.</p> <p>22 Could -- I missed it. Sorry, I was</p> <p>23 reading.</p> <p>24 BY MR. CARTMELL:</p>

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<p style="text-align: right;">Page 118</p> <p>1 Q. Sorry I interrupted you. Were</p> <p>2 you done?</p> <p>3 A. I'm done. I'm sorry.</p> <p>4 Q. We'll talk about the rest of the</p> <p>5 letter in some detail, but I want to -- I was</p> <p>6 just pointing out that the rest of the letter</p> <p>7 actually talks about the regulations and the law</p> <p>8 that applies and that the DEA is enforcing,</p> <p>9 correct?</p> <p>10 A. Yes.</p> <p>11 Q. And one of the things, just so</p> <p>12 it's clear for the jury, that is important to</p> <p>13 know is that companies like Teva, for example,</p> <p>14 because they sell and manufacture</p> <p>15 opioid-containing products, they have to</p> <p>16 register with the DEA to be able to do that; is</p> <p>17 that right?</p> <p>18 A. Yes.</p> <p>19 Q. And is it true that they become</p> <p>20 known as a registrant, for example, is that</p> <p>21 referred to?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And that registration, is</p> <p>24 it true, provides, for example, Teva a license</p>	<p style="text-align: right;">Page 120</p> <p>1 BY MR. CARTMELL:</p> <p>2 Q. Go ahead.</p> <p>3 A. It's U.S. code.</p> <p>4 Q. Okay. "Listed first among these</p> <p>5 factors is the duty of distributors to maintain</p> <p>6 effective controls against diversion of</p> <p>7 controlled substances into other than legitimate</p> <p>8 medical, scientific and industrial channels."</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. And so that just means that every</p> <p>12 manufacturer or distributor of opioid-containing</p> <p>13 products and other controlled substances, they</p> <p>14 have to make sure that they actually have</p> <p>15 effective controls against diversion of those</p> <p>16 drugs in place, correct?</p> <p>17 MR. ANDRISANI: Objection, form.</p> <p>18 THE WITNESS: Yes.</p> <p>19 BY MR. CARTMELL:</p> <p>20 Q. For example, if Teva had</p> <p>21 ineffective controls that weren't working, then</p> <p>22 that would not be compliant with the law,</p> <p>23 correct?</p> <p>24 MR. ANDRISANI: Objection, form.</p>
<p style="text-align: right;">Page 119</p> <p>1 that allows them through their multiple</p> <p>2 facilities to go ahead and distribute those</p> <p>3 opioids?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And so, for example, if</p> <p>6 Teva had its license suspended or pulled from</p> <p>7 the DEA to sell or manufacture opioid-containing</p> <p>8 products, then they would no longer be able to</p> <p>9 sell those; is that fair?</p> <p>10 A. Yeah, they would not be able</p> <p>11 to -- not just sell but they would not be able</p> <p>12 to transfer drug anywhere.</p> <p>13 Q. If you go to the second page in</p> <p>14 the third paragraph it states, the statutory</p> <p>15 factors DEA must consider in deciding whether to</p> <p>16 revoke a distributor's registration are</p> <p>17 contained in 21 U.S.C. 823(e).</p> <p>18 Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. So when you talk about statutes</p> <p>21 and all that, that's legal mumbo-jumbo, that's</p> <p>22 the actual -- that's the law, right?</p> <p>23 MR. ANDRISANI: Objection, form.</p> <p>24 THE WITNESS: U.S. Code.</p>	<p style="text-align: right;">Page 121</p> <p>1 THE WITNESS: Yes.</p> <p>2 BY MR. CARTMELL:</p> <p>3 Q. It states, In addition,</p> <p>4 distributors must comply with appropriate state</p> <p>5 and local law. Congress also gave DEA authority</p> <p>6 under this provision to revoke a registration</p> <p>7 based on the distributor's past experience in</p> <p>8 the distribution of controlled substances and</p> <p>9 based on such other factors as may be relevant.</p> <p>10 Do you see that?</p> <p>11 "Relevant to and consistent with</p> <p>12 the public health and safety."</p> <p>13 Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Now, I want to focus on</p> <p>16 this next section, because this next section is</p> <p>17 talking specifically about something called</p> <p>18 suspicious orders of controlled substances.</p> <p>19 Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. Tell us what suspicious orders of</p> <p>22 controlled substances means?</p> <p>23 A. Would you like me to read what</p> <p>24 the regulation states.</p>

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<p>1 Q. I'll withdraw the question, and</p> <p>2 I'll read it, okay.</p> <p>3 Let's go through this section,</p> <p>4 and I'm going to follow up and ask you some</p> <p>5 questions.</p> <p>6 "The DEA regulations require all</p> <p>7 distributors to report suspicious orders of</p> <p>8 controlled substances. Specifically, the</p> <p>9 regulations state the registrant shall design</p> <p>10 and operate a system to disclose to the</p> <p>11 registrant suspicious orders of controlled</p> <p>12 substances. The registrant shall inform the</p> <p>13 Field Division Office of the Administration in</p> <p>14 his area of suspicious orders when discovered by</p> <p>15 the registrant. Suspicious orders include</p> <p>16 orders of unusual size, order deviating</p> <p>17 substantially from a normal pattern and orders</p> <p>18 of unusual frequency."</p> <p>19 Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. So let me see if I can</p> <p>22 interpret that for the jury.</p> <p>23 Does that mean that, for example,</p> <p>24 Teva at all times when they are licensed and</p>	<p>1 example, we want 4,000 pills, is it -- does it</p> <p>2 happen that way? Do they ask by the pill?</p> <p>3 A. They don't call me to place an</p> <p>4 order, so I don't know exactly how they do it,</p> <p>5 but I assume it's by carton or bottle or NDC. I</p> <p>6 don't know.</p> <p>7 Q. Okay. But you're actually</p> <p>8 responsible as the DEA director at Teva for the</p> <p>9 suspicious order monitoring program, aren't you?</p> <p>10 A. I don't physically go and review</p> <p>11 orders. I am responsible -- ultimately</p> <p>12 responsible for it, but I don't actually process</p> <p>13 the orders or investigate them.</p> <p>14 Q. Okay. So a customer might</p> <p>15 contact Teva and say we want cartons -- X number</p> <p>16 of cartons of opioids or bottles of opioids,</p> <p>17 something like that, fair?</p> <p>18 A. Yes.</p> <p>19 MR. ANDRISANI: Objection, form.</p> <p>20 BY MR. CARTMELL:</p> <p>21 Q. And this is saying that Teva, as</p> <p>22 a company, has to monitor those orders from its</p> <p>23 customers and make sure they're not suspicious,</p> <p>24 right?</p>
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<p>1 selling, for example, opioid-containing</p> <p>2 products, they have to have what's called a</p> <p>3 suspicious ordering monitoring program in place?</p> <p>4 MR. ANDRISANI: Objection, form.</p> <p>5 THE WITNESS: If they are selling</p> <p>6 commercial product, yes.</p> <p>7 BY MR. CARTMELL:</p> <p>8 Q. Okay. And so the DEA requires</p> <p>9 and the law requires, according to the</p> <p>10 regulations, that if Teva, for example, is going</p> <p>11 to sell these opioids, that they have to put a</p> <p>12 program in place that is going to effectively</p> <p>13 identify suspicious orders of opioids, correct?</p> <p>14 MR. ANDRISANI: Objection to</p> <p>15 form.</p> <p>16 THE WITNESS: Yes.</p> <p>17 BY MR. CARTMELL:</p> <p>18 Q. In other words, if Teva has</p> <p>19 customers, and I take it that they do, who</p> <p>20 contact Teva and they say, "we want to buy or</p> <p>21 purchase some of your opioid-containing</p> <p>22 products," that's happens, doesn't it?</p> <p>23 A. Yes.</p> <p>24 Q. And the customer says, for</p>	<p>1 MR. ANDRISANI: Objection, form.</p> <p>2 THE WITNESS: Yes.</p> <p>3 BY MR. CARTMELL:</p> <p>4 Q. And if Teva finds that these</p> <p>5 orders from its customers who are buying these</p> <p>6 opioids are suspicious, then this says that</p> <p>7 those orders have to be actually reported to the</p> <p>8 DEA, correct?</p> <p>9 MR. ANDRISANI: Objection, form.</p> <p>10 THE WITNESS: Correct.</p> <p>11 BY MR. CARTMELL:</p> <p>12 Q. And if there are suspicious</p> <p>13 orders from customers to Teva, actually, Teva is</p> <p>14 not supposed to go and ship those bottles or</p> <p>15 crates of opioids to the customer, right?</p> <p>16 MR. ANDRISANI: Objection, form.</p> <p>17 THE WITNESS: Yes.</p> <p>18 BY MR. CARTMELL:</p> <p>19 Q. And this process called</p> <p>20 suspicious order monitoring is part of the law</p> <p>21 that says Teva has to have effective safeguards</p> <p>22 in place to prevent diversion of these opioids</p> <p>23 or controlled substances, right?</p> <p>24 MR. ANDRISANI: Objection, form.</p>

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<p style="text-align: right;">Page 126</p> <p>1 THE WITNESS: Yes.</p> <p>2 BY MR. CARTMELL:</p> <p>3 Q. Okay. Now, Teva also has, as a</p> <p>4 part of this law and these regulations from the</p> <p>5 DEA, also has the responsibility to make sure</p> <p>6 that they investigate if they find suspicious</p> <p>7 orders from their customers for opioids; is that</p> <p>8 right?</p> <p>9 MR. ANDRISANI: Objection, form.</p> <p>10 THE WITNESS: We investigate</p> <p>11 orders of interest and report suspicious</p> <p>12 orders. We have that obligation.</p> <p>13 BY MR. CARTMELL:</p> <p>14 Q. That's the duty of Teva to do</p> <p>15 that, correct?</p> <p>16 A. Yes.</p> <p>17 MR. ANDRISANI: Objection to</p> <p>18 form.</p> <p>19 BY MR. CARTMELL:</p> <p>20 Q. And if you go down it states, "It</p> <p>21 bears emphasis that the foregoing reporting</p> <p>22 requirement is in addition to, and not in lieu</p> <p>23 of, the general requirement under 21 U.S.C.</p> <p>24 823(e) that a distributor maintain effective</p>	<p style="text-align: right;">Page 128</p> <p>1 suspicious, we have an obligation not to</p> <p>2 ship.</p> <p>3 BY MR. CARTMELL:</p> <p>4 Q. You have an obligation not to</p> <p>5 ship, but when this talks about due diligence,</p> <p>6 you also have an obligation to investigate,</p> <p>7 right?</p> <p>8 MR. ANDRISANI: Objection, form.</p> <p>9 THE WITNESS: We investigate any</p> <p>10 order that's pended in the system, and</p> <p>11 then if we do our due diligence on that</p> <p>12 and we determine that it's a suspicious</p> <p>13 order, then we have to report it.</p> <p>14 BY MR. CARTMELL:</p> <p>15 Q. So would you agree with me that</p> <p>16 it's the responsibility of manufacturers and</p> <p>17 distributors of opioids, including Teva, and</p> <p>18 when you were at Cephalon as well, that if they</p> <p>19 have potentially suspicious order, their duty</p> <p>20 and responsibility is to investigate that order?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And if the company fails</p> <p>23 to investigate those potentially suspicious</p> <p>24 orders, then they have breached their duty and</p>
<p style="text-align: right;">Page 127</p> <p>1 controls against diversion."</p> <p>2 Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. "Thus, in addition to reporting</p> <p>5 all suspicious orders, a distributor has a</p> <p>6 statutory responsibility to exercise due</p> <p>7 diligence to avoid filling suspicious orders</p> <p>8 that might be diverted into other than</p> <p>9 legitimate medical, scientific and industrial</p> <p>10 channels."</p> <p>11 Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Let's talk about that due</p> <p>14 diligence. If I'm reading this correctly, and</p> <p>15 correct me if I'm wrong, the DEA is saying that</p> <p>16 Teva, for example, when selling and</p> <p>17 manufacturing opioids, when they get suspicious</p> <p>18 orders, they can't just fill those orders, they</p> <p>19 actually have to investigate and do due</p> <p>20 diligence to determine or make sure that those</p> <p>21 opioid pills are not going to be diverted to</p> <p>22 illegal and illicit places, correct?</p> <p>23 MR. ANDRISANI: Objection, form.</p> <p>24 THE WITNESS: If it's deemed</p>	<p style="text-align: right;">Page 129</p> <p>1 responsibility, correct?</p> <p>2 MR. ANDRISANI: Objection, form.</p> <p>3 THE WITNESS: Yes.</p> <p>4 BY MR. CARTMELL:</p> <p>5 Q. And if Teva, for instance, has a</p> <p>6 suspicious order monitoring system or fails to</p> <p>7 have one that is effective and is actually</p> <p>8 identifying suspicious orders and they're not</p> <p>9 investigating those properly, then they will</p> <p>10 have breached their duty and responsibility,</p> <p>11 correct?</p> <p>12 MR. ANDRISANI: Objection, form.</p> <p>13 THE WITNESS: We have an</p> <p>14 obligation to make sure that we have an</p> <p>15 effective system in place.</p> <p>16 BY MR. CARTMELL:</p> <p>17 Q. I understand that. My question</p> <p>18 is a little bit different.</p> <p>19 If, in fact, Teva, for instance,</p> <p>20 has a suspicious order monitoring system that is</p> <p>21 not effective and it isn't adequately</p> <p>22 identifying suspicious orders, and it's not --</p> <p>23 and those orders are not adequately being</p> <p>24 investigated by the company, then Teva would</p>

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<p style="text-align: right;">Page 130</p> <p>1 have breached its duties and responsibilities, 2 according to the DEA regulations, correct? 3 MR. ANDRISANI: Objection, form. 4 THE WITNESS: I just want to say 5 that the suspicious order monitoring has 6 been a moving target, and what was 7 effective in one year -- considered 8 effective in one year may not have been 9 considered effective in another year. 10 So, you know, we try to monitor DEA 11 action to see where they're headed with 12 it, because they're basically 13 promulgating rules without writing 14 regulations, updating regulations, so we 15 try to monitor that. What I'm saying is 16 it depends on the time that you were 17 looking at the system in determining 18 whether it was effective or not. But at 19 the time, it should have been effective 20 with the information that we knew at the 21 time. 22 BY MR. CARTMELL: 23 Q. I appreciate that. I'm going to 24 object and move to strike, and I'm going to ask</p>	<p style="text-align: right;">Page 132</p> <p>1 deaths with rising prescriptions, and it's true 2 that the law we just talked about and that the 3 DEA in its letter of 2007 was reiterating is 4 that at all times, for example, from 2000 until 5 2012 that law requiring Teva, for example, to 6 have effective -- effective systems in place to 7 prevent diversion, that was in effect, correct? 8 MR. ANDRISANI: Objection, form. 9 THE WITNESS: Yes. 10 BY MR. CARTMELL: 11 Q. In other words, the law that 12 we're talking about was in effect in 2000 and 13 2001, all the way up to 2008, 2009, all the way 14 to 2012, and it's still in effect today? 15 A. Yes. 16 MR. ANDRISANI: Objection, form. 17 BY MR. CARTMELL: 18 Q. And so at all times, even back in 19 2004, 2003, any times from 2000 on, Teva had 20 that duty to have in effect a suspicious order 21 monitoring program, correct? 22 MR. ANDRISANI: Objection, form. 23 THE WITNESS: Yes. 24 BY MR. CARTMELL:</p>
<p style="text-align: right;">Page 131</p> <p>1 you again and see if I can get an answer to that 2 question. 3 A. Okay. 4 Q. And we'll talk about that in more 5 detail, but, Ms. McGinn, if, in fact, Teva had a 6 suspicious order monitoring program that was 7 ineffective and not adequately identifying 8 suspicious orders and those orders that were 9 pending, when they did identify suspicious 10 orders, were not being adequately investigated, 11 then Teva, according to the regulations of the 12 DEA, would have breached its duty and 13 responsibility, fair? 14 MR. ANDRISANI: Objection, form. 15 THE WITNESS: Yes. 16 BY MR. CARTMELL: 17 Q. Go ahead. 18 A. Yes. 19 Q. I want to go back to Exhibit 7, 20 if you would, and I just want to ask you a 21 question, and I think this gives us a good way 22 to demonstrate for the jury what I'm asking 23 about. 24 Now, this graph shows rising</p>	<p style="text-align: right;">Page 133</p> <p>1 Q. And Teva had the duty during that 2 period of time all the way back to 2004 or 3 whenever it was they started selling controlled 4 substances, they needed to have effective 5 systems, including a suspicious order monitoring 6 program, in place that would prevent diversion 7 of opioids, correct? 8 MR. ANDRISANI: Objection, form. 9 THE WITNESS: Yes. 10 BY MR. CARTMELL: 11 Q. Okay. In other words, Teva 12 couldn't start that program in 2010 or 2012, and 13 if they did that, they would have breached their 14 duties and responsibilities to do that prior to 15 that time, fair? 16 MR. ANDRISANI: Objection, form. 17 THE WITNESS: Yes. 18 BY MR. CARTMELL: 19 Q. And would you agree with me, 20 Ms. McGinn, that if Teva did not monitor 21 effectively for suspicious orders or in a 22 responsible way and that actually contributed to 23 the epidemic, then Teva would be responsible for 24 that?</p>

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<p style="text-align: right;">Page 134</p> <p>1 MR. ANDRISANI: Objection, form.</p> <p>2 THE WITNESS: If Teva was</p> <p>3 responsible for that, it certainly was</p> <p>4 never intentional.</p> <p>5 BY MR. CARTMELL:</p> <p>6 Q. I understand that. My question</p> <p>7 is a little different, though, and I'm not</p> <p>8 trying to put words in your mouth either, but</p> <p>9 would you agree with me that if Teva, in the</p> <p>10 past, has not had effective systems in place to</p> <p>11 prevent diversion, including a suspicious order</p> <p>12 monitoring program for suspicious orders of</p> <p>13 opioids, if that system has not been effectively</p> <p>14 in place and has not been diverting opioids,</p> <p>15 that could contribute to the epidemic, correct?</p> <p>16 MR. ANDRISANI: Objection, form.</p> <p>17 THE WITNESS: In some way, yeah.</p> <p>18 I mean, we were just one part of the</p> <p>19 supply chain. There were many other</p> <p>20 steps in the process before it got to a</p> <p>21 patient for a death.</p> <p>22 BY MR. CARTMELL:</p> <p>23 Q. And I'm not trying to say that</p> <p>24 Teva would be solely responsible for that, but</p>	<p style="text-align: right;">Page 136</p> <p>1 THE VIDEOGRAPHER: Going off the</p> <p>2 record at 11:52 a.m.</p> <p>3 (Luncheon recess.)</p> <p>4 THE VIDEOGRAPHER: We are back on</p> <p>5 the record at 12:38.</p> <p>6 BY MR. CARTMELL:</p> <p>7 Q. Ms. McGinn, we're back on the</p> <p>8 record after a lunch break. Are you ready to</p> <p>9 proceed?</p> <p>10 A. I am, thank you.</p> <p>11 Q. Did you have a nice lunch?</p> <p>12 A. I've had better, but I've had</p> <p>13 worse too so we're okay.</p> <p>14 Q. Okay, good.</p> <p>15 Well, before we broke for lunch,</p> <p>16 we were talking about, you'll recall, Exhibit 9,</p> <p>17 which is the Rannizzisi letter that was sent</p> <p>18 from the Drug Enforcement Administration to,</p> <p>19 among others, manufacturers and distributors of</p> <p>20 opioids.</p> <p>21 You recall our conversation in</p> <p>22 that regard?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And I don't think I made</p>
<p style="text-align: right;">Page 135</p> <p>1 if Teva didn't follow the DEA regulations and</p> <p>2 have effective systems in place to prevent</p> <p>3 diversion, they could be a contributor or would</p> <p>4 be a contributor to the epidemic, correct?</p> <p>5 MR. ANDRISANI: Objection, form.</p> <p>6 THE WITNESS: In some way, yes.</p> <p>7 BY MR. CARTMELL:</p> <p>8 Q. Okay. And the same is true with</p> <p>9 other manufacturers of opioids and distributors</p> <p>10 of opioids; they too could be contributors if</p> <p>11 they didn't do a good job and have appropriate</p> <p>12 systems in place to prevent diversion of</p> <p>13 opioids, correct?</p> <p>14 MR. ANDRISANI: Objection, form.</p> <p>15 THE WITNESS: Yes.</p> <p>16 BY MR. CARTMELL:</p> <p>17 Q. Okay. And if, in fact, that's</p> <p>18 the case, then, for example, would you believe,</p> <p>19 in your opinion, that Teva would be partly</p> <p>20 responsible for the epidemic?</p> <p>21 MR. ANDRISANI: Objection, form.</p> <p>22 THE WITNESS: In some part, yes.</p> <p>23 MR. CARTMELL: Let's take a</p> <p>24 break.</p>	<p style="text-align: right;">Page 137</p> <p>1 this point, but I want to, and I don't mean to</p> <p>2 put words in your mouth, but is it true that</p> <p>3 these laws that require opioid manufacturers and</p> <p>4 distributors to have safeguards that are</p> <p>5 effective in place to prevent diversion of those</p> <p>6 drugs, those laws are for safety purposes,</p> <p>7 correct?</p> <p>8 MR. ANDRISANI: Objection, form.</p> <p>9 THE WITNESS: I'm sure that's one</p> <p>10 aspect.</p> <p>11 BY MR. CARTMELL:</p> <p>12 Q. In other words, safety of</p> <p>13 individuals so that the drugs aren't diverted to</p> <p>14 people who could abuse them or not even abuse</p> <p>15 them and have overdoses and hospitalizations and</p> <p>16 deaths, things like that, fair?</p> <p>17 MR. ANDRISANI: Objection to</p> <p>18 form.</p> <p>19 THE WITNESS: It's there for</p> <p>20 legitimate medical need.</p> <p>21 BY MR. CARTMELL:</p> <p>22 Q. Okay. All right. Now, in</p> <p>23 preparation for your deposition today, did you</p> <p>24 read the deposition of Mr. Tomkiewicz?</p>

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<p style="text-align: right;">Page 174</p> <p>1 didn't know whether or not that meant compliant</p> <p>2 with DEA regulations?</p> <p>3 MR. ANDRISANI: Objection, asked</p> <p>4 and answered.</p> <p>5 THE WITNESS: What I'm saying is</p> <p>6 I'm not sure what the person who wrote</p> <p>7 this intended that to say.</p> <p>8 BY MR. CARTMELL:</p> <p>9 Q. Okay. At any rate, whoever wrote</p> <p>10 this intended to say that the suspicious order</p> <p>11 monitoring program and the Know your Customer</p> <p>12 program were putting the company at risk related</p> <p>13 to DEA sanctions, and that needed to be the</p> <p>14 company's highest priority to make improvements</p> <p>15 and close the gaps, correct?</p> <p>16 MR. ANDRISANI: Objection, form.</p> <p>17 It misstates what's on the paper.</p> <p>18 BY MR. CARTMELL:</p> <p>19 Q. Go ahead.</p> <p>20 A. It says that it was a risk and we</p> <p>21 should give it high priority.</p> <p>22 Q. Okay. Below it says, "DEA will</p> <p>23 use its authority to revoke and suspend</p> <p>24 registrations in appropriate cases."</p>	<p style="text-align: right;">Page 176</p> <p>1 the DEA has said, is to get to know your</p> <p>2 customers, correct?</p> <p>3 MR. ANDRISANI: Objection, form.</p> <p>4 THE WITNESS: Yes.</p> <p>5 BY MR. CARTMELL:</p> <p>6 Q. And do investigation on your</p> <p>7 customers to see if possibly they're involved in</p> <p>8 suspicious activity related to controlled</p> <p>9 substances, correct?</p> <p>10 MR. ANDRISANI: Objection, form.</p> <p>11 THE WITNESS: Yes.</p> <p>12 BY MR. CARTMELL:</p> <p>13 Q. And what this document says is</p> <p>14 that at this time, Teva was not compliant in</p> <p>15 that regard, correct?</p> <p>16 MR. ANDRISANI: Objection.</p> <p>17 THE WITNESS: That's what it says</p> <p>18 here.</p> <p>19 BY MR. CARTMELL:</p> <p>20 Q. I want to ask you -- strike that.</p> <p>21 And then if you go through the</p> <p>22 next several pages, there is information put</p> <p>23 together that summarizes, for example, the law</p> <p>24 that we already went through from the DEA</p>
<p style="text-align: right;">Page 175</p> <p>1 You see that?</p> <p>2 A. Yes.</p> <p>3 Q. Does that help you to understand</p> <p>4 where it says under number 2 Know your Customer</p> <p>5 program if they were talking about not being</p> <p>6 compliant with the DEA?</p> <p>7 A. I would assume that that's what</p> <p>8 they were referencing.</p> <p>9 Q. Okay. Know your Customer</p> <p>10 program, tell the jury what that is?</p> <p>11 A. It's looking into your customers,</p> <p>12 knowing the background, the officers. It's due</p> <p>13 diligence on your customer.</p> <p>14 Q. And we saw the phrase due</p> <p>15 diligence in the law from Mr. Rannizzisi in his</p> <p>16 letter, correct?</p> <p>17 A. I think so.</p> <p>18 Q. And so the law requires for</p> <p>19 manufacturers and sellers of opioids like Teva</p> <p>20 that if they have potentially suspicious orders,</p> <p>21 they have to do due diligence and actually do</p> <p>22 investigation of those, correct?</p> <p>23 A. Yes.</p> <p>24 Q. And part of that investigation,</p>	<p style="text-align: right;">Page 177</p> <p>1 letter, correct?</p> <p>2 A. Yes.</p> <p>3 Q. And it -- you had gathered</p> <p>4 information on what the best practices were for</p> <p>5 a suspicious order monitoring program, correct?</p> <p>6 MR. ANDRISANI: Objection as to</p> <p>7 form with respect to her preparing this.</p> <p>8 THE WITNESS: This document does</p> <p>9 contain information about other</p> <p>10 companies.</p> <p>11 BY MR. CARTMELL:</p> <p>12 Q. I'll restate it to hopefully take</p> <p>13 care of the objection.</p> <p>14 And then the attachment pages</p> <p>15 also include information that you or somebody</p> <p>16 gathered about what the best practices are</p> <p>17 related to having a suspicious order monitoring</p> <p>18 program, correct?</p> <p>19 A. It looks like information that</p> <p>20 was available. I don't -- I have to look</p> <p>21 through it to see if it's best practices</p> <p>22 necessarily. Oh, there is best practices.</p> <p>23 Q. You see that?</p> <p>24 A. Yes.</p>

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<p>1 acquisition. He came with Actavis.</p> <p>2 Q. Okay. But, originally, before</p> <p>3 joining Actavis, he was with Purdue?</p> <p>4 A. I believe so.</p> <p>5 Q. Okay. And you write here</p> <p>6 regarding 60 Minutes -- do you recall watching a</p> <p>7 60 Minutes segment on opioids?</p> <p>8 A. I do.</p> <p>9 Q. Okay. And can you briefly</p> <p>10 describe for me what the segment was that you</p> <p>11 saw on 60 Minutes?</p> <p>12 A. It was -- if I remember</p> <p>13 correctly, it was a interview with Joe</p> <p>14 Rannizzisi talking about suspicious orders or</p> <p>15 the opioid epidemic in general.</p> <p>16 Q. And we heard about Mr. Rannizzisi</p> <p>17 earlier. He had written those letters back in</p> <p>18 2006 and '07, correct?</p> <p>19 A. Yes.</p> <p>20 Q. And you had those letters back</p> <p>21 around that time frame, right?</p> <p>22 A. Yes.</p> <p>23 Q. And you write here to</p> <p>24 Mr. Zerillo, "Did you see this last night? My</p>	<p>1 Q. And you say he has lost his mind.</p> <p>2 What does that mean he has lost his mind?</p> <p>3 A. I don't remember why I said that.</p> <p>4 I just thought it was a very one-sided view and</p> <p>5 that he basically blamed everything on the</p> <p>6 pharmaceutical industry.</p> <p>7 Q. Okay. And then Mr. Zerillo</p> <p>8 responds back, "LOL," is that lots of laughing,</p> <p>9 is that what that stands for?</p> <p>10 A. You'd have to ask him, but I</p> <p>11 assume so.</p> <p>12 Q. And it says, "Joe just made a lot</p> <p>13 of friends?"</p> <p>14 Right?</p> <p>15 A. Yes.</p> <p>16 Q. And you respond to him, "Right?</p> <p>17 I guess he's not interested in working for</p> <p>18 industry."</p> <p>19 Correct?</p> <p>20 A. Yes.</p> <p>21 Q. What do you mean he's not</p> <p>22 interested in working for industry?</p> <p>23 A. That he would not be able to work</p> <p>24 for a pharmaceutical company.</p>
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<p>1 first thought was that Joe Rannizzisi has lost</p> <p>2 his mind and the second was that it was a very</p> <p>3 one-sided story."</p> <p>4 Is that correct?</p> <p>5 A. That is correct.</p> <p>6 Q. And why was it one-sided?</p> <p>7 A. It only presented information</p> <p>8 from -- about pharmaceutical industry and not</p> <p>9 the part that doctors played in the whole opioid</p> <p>10 epidemic.</p> <p>11 Q. And what was the part about the</p> <p>12 -- you said the pharmaceutical industry. What</p> <p>13 was the part about the pharmaceutical industry</p> <p>14 that he was discussing on 60 Minutes?</p> <p>15 A. My recollection is that he blamed</p> <p>16 the entire opioid epidemic on pharmaceutical</p> <p>17 companies.</p> <p>18 Q. And what did he say they did</p> <p>19 wrong?</p> <p>20 MR. ANDRISANI: Objection.</p> <p>21 BY MR. CRAWFORD:</p> <p>22 Q. If you recall.</p> <p>23 A. I don't remember exactly what he</p> <p>24 said.</p>	<p>1 Q. But he works for the DEA. Why</p> <p>2 would he work --</p> <p>3 A. He wasn't --</p> <p>4 Q. -- for a pharmaceutical company?</p> <p>5 A. He wasn't working for DEA at the</p> <p>6 time of this interview.</p> <p>7 Q. Is it your experience that a lot</p> <p>8 of people who leave the DEA go work in the</p> <p>9 industry?</p> <p>10 MR. ANDRISANI: Objection.</p> <p>11 THE WITNESS: Some do.</p> <p>12 MR. CRAWFORD: Next we'll go to</p> <p>13 Exhibit 25.</p> <p>14 (Document marked for</p> <p>15 identification as McGinn Deposition</p> <p>16 Exhibit No. 25.)</p> <p>17 MS. ROLLINS: Counsel, I think</p> <p>18 your exhibit numbers -- i think there</p> <p>19 might have been two 23s and two 24s?</p> <p>20 MR. CRAWFORD: I think we're</p> <p>21 sequential, okay. Yeah, they're great.</p> <p>22 Thank you, though.</p> <p>23 MS. HUDNALL: 21 and 22 were out</p> <p>24 of order.</p>